

FILED

APR 12 2010

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

SECRETARY, BOARD OF
OIL, GAS & MINING

IN THE MATTER OF THE APPLICATION
OF CLIFFORD MURRAY FOR AN
ORDER POOLING INTERESTS IN THE
DRILLING UNIT COMPRISING SECTION
2, TOWNSHIP 2 SOUTH, RANGE 1 EAST,
U.S.M., Uintah County, Utah

**RESPONSE AND REQUEST OF A.
BURNELL RICH AND SHERRIL RICH
TO REQUEST FOR AGENCY ACTION
(Pooling)**

DOCKET NO. 2010-19

CAUSE NO. 131-30

A. Burnell Rich and Sherrill Rich, (hereinafter sometimes "**B & S Rich**"), natural persons, hereby respectfully state their support for the pooling of the interests in the above captioned matter as follows:

STATEMENT OF PROFFERED FACTS

1. B & S Rich are residents of Uintah County, Utah.
2. B & S Rich are 1/9 successors in interest in the mineral interest of, and the oil and gas lease of, Arbun and Thelma Rich who are listed as Lessor #2 under Tract 1 in the communitization agreement submitted by Murray as Exhibit C in this matter. Said lease is recorded in the records of Uintah County, Utah at Book 108, Page 366 with a primary term of 10 years, a royalty rate of 1/8 and was effective 9/23/1963. Said lease was amended 7/12/1973 to extend the primary term to 15 years and such amendment is recorded in the records of Uintah County, Utah at Book 186, Page 109.
3. In addition to lands contained within the drilling unit the subject of this matter, said lease also contains lands within the drilling unit comprising Section 35, Township 1 South, Range 1 East, U.S.M. (hereinafter sometimes "**D.U. 1S1E35**"). Such D.U. 1S1E35 is covered by the communitization agreement submitted as Exhibit H by Murray in this matter and said lease is

listed on page 413 of the recordation, under Tract 5, as lease #2. Said D.U.1S1E35 has been in continuous production from 1983 to the present as evidenced by the production records submitted as Exhibit I submitted by Murray in this matter which has held said lease in force by production independent of the lack of production during certain periods in the drilling unit the subject of this matter.

4. B & S Rich's mineral interest in the drilling unit the subject of this matter consists of 1/9 of the 48.28/102.56 mineral interest owned by Arbun and Thelma Rich in Lots 6, 7, 8, NESWNW, NWSNW.

5. B & S Rich's decimal interest in the drilling unit the subject of this matter is as follows: (48.28/102.56 interest of Arbun and Thelma Rich times 62.56 acres in the tract) times 1/9 inherited interest) divided by 650.9 acres in the drilling unit) times a royalty rate of .125 yielding .00062840.

Wherefore, B & S Rich respectfully requests the Board of Oil, Gas and Mining enter an order:

A. Pooling the interests of the interest owners in the drilling unit the subject of this matter; and

B. Finding B & S Rich to be entitled to the Proceeds from the sale of oil which is attributable to their royalty interest between April 1997 and the present; and

C. Requiring Uinta Oil and Gas, Inc., Mountain Oil and Gas, Inc and Homeland Gas and Oil, Ltd. to pay such Proceeds as remain unpaid; and

D. Requiring Uinta Oil and Gas, Inc., Mountain Oil and Gas, Inc and Homeland Gas and Oil, Ltd. to pay B & S Rich a 1 1/2 % per month interest rate for Proceeds from the date such Proceeds should have been paid or escrowed until such Proceeds were/are paid as allowed by UCA 40-6-9(7)(a)(ii); and

E. Requiring Uinta Oil and Gas, Inc., Mountain Oil and Gas, Inc and Homeland Gas and Oil, Ltd. to pay B & S Rich a 25% penalty of the total Proceeds and interest insofar as said Proceeds remained unpaid and/or un-escrowed as allowed by UCA 40-6-9(7)(b)(i)(C)(ii); and

F. Requiring Uinta Oil and Gas, Inc., Mountain Oil and Gas, Inc and Homeland Gas and Oil, Ltd. to timely pay all future proceeds from the well in accordance with UCA 40-6-9; and

G. Requiring Uinta Oil and Gas, Inc., Mountain Oil and Gas, Inc and Homeland Gas and Oil, Ltd. to escrow future proceeds from the well in accordance with UCA 40-6-9; and

H. Making such findings and orders in connection with this Request as it deems necessary; and

I. Providing for such other and further relief as may be just and equitable under the circumstances.

Respectfully submitted this _____ day of April, 2010.

Signed _____

A. Burnell Rich
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Vernal, UT 84078
435-789-2811

Sherril Rich